

Date of decision: July 4,1996

For Approval and Signature:

The Hon'ble Mr.Justice N.J.Pandya

The Hon'ble Mr.Justice A.R.Dave

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India,1..

thereunder?
5. Whether it is to be circulated to the Civil Judge?

Mr.J.R.Nanavati, L.A. for the appellants

Mr.M.R.Anand, LGP with Mr.A.J.Desai, LAGP for respondent no.1 & Mr.J.J.Yagnik, L.A. for respondent no.2

Coram: N.J.Pandya & A.R.Dave,JJ.
July 4, 1996

ORAL JUDGMENT (Per N.J.Pandya,J.)

If these appeals were along with the group of matters that came to be decided on 22nd November 1995 by a common judgment given in First Appeal No.1998/95 and

allied matters, the only difference in the composition of

the order would be that the appeal would stand allowed like cross-objections filed by the respective claimants in the said group of matters.

2. In the aforesaid group of matters, appeals were filed by the State and therein, cross objections were filed by the original claimants. As no appeals were filed in respect of these two matters, the claimants could not file cross objections. The outcome of the aforesaid group of matters came to the knowledge of the appellants and they came with delay condonation applications.

3. It is an accepted position that under one Notification when lands are acquired; while awarding compensation, there should not be any disparity. In the instant case, if the claimants are not awarded compensation as awarded to the claimants in the aforesaid group of matters, there will be disparity and the amount being awarded to them is only implementation of the statute because of the amendment carried out in the Land Acquisition Act in the year 1984. As a result, higher solatium at 30% has become payable and the rate of interest is also increased as per Sec.23(2) & Sec.28 of the Land Acquisition Act.

4. In the result, the appeals are allowed to the aforesaid extent. The amount to be paid with proportionate cost and interest.
